HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8733 OF 2005.

Nopany (India) Pvt. Ltd & Anr. ..Petitioners.
Versus.
M/s. Mazda Chemicals. ..Respondents.

Shri. R. R. Yadav for the Petitioners.
Shri. N. V. Mhatre for the respondents.

CORAM: S.B.MHASE, J.
DATE : APRIL 12, 2006.

P.C.

1. Heard. This petition is directed against the order dated 6.9.2005 passed in Miscellaneous Application No. 78 of 2005 in Appeal Stamp No. 143 of 2005 in Interim Notice No. 627 of 1993 in L. E. & C. Suit No. 53/58 of 1995. The petitioner is the original plaintiff in the above referred suit. The said suit was dismissed. As against the dismissal of the said suit, the above referred First Appeal on Stamp has been filed. However, there is a delay of 25 days. The delay has been caused because the petitioner was out of Mumbai for family function. The cause itself shows that the petitioner was not incapacitated to file the appeal. In my opinion, rightly the application is rejected. Therefore, no interference is called for. Petition is hereby rejected.

(S.B.MHASE, J.)